

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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Case No.: 07 CV 349

PRINCE OF PEACE ENTERPRISES, INC.

Plaintiff,

-against-

**ANSWER TO AMENDED  
COMPLAINT WITH  
COUNTERCLAIM**

TOP QUALITY FOOD MARKET, LLC, A & C  
SUPERMARKET, INC., FAVOR FOOD, INC.,  
a/k/a BEST QUALITY FOOD MARKET,  
W.J. INC. a/k/a KAM CUI YAO CHOI HONG,  
MADISON ONE ACME, INC. a/k/a SOLSTICE  
MEDICINE COMPANY, MURRAY  
INTERNATIONAL TRADING CO., INC., WEI  
YOUNG, BOR WEN HUANG, CINDY SU a/k/a  
KAUK YU SU, WAI HUNG NG, TU CHIN LIN,  
XUIYAN HUANG, YINGHAI SHI and "JOHN and  
JANE DOES, No. 1-50"

Defendants,

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Defendant herein, Favor Food, Inc. a/k/a Best Quality Food Market (Favor Food),  
by its attorney, Xian Feng Zou, Esq., as its Answer, respectfully alleges:

1. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraphs numbered "5", "7", "8", "9", "10", "11", "12", "13", "14", "15", "16", "19", "20" to and through "31", "34", "35", "36", "37", "40", "41", "42", "44", "45", "46" of the Amended Complaint.

2. Denies each and every allegation contained in paragraphs numbered "17", "18", "32", "38", "39", "43", "47" to and through "67" of the Amended Complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

3. Plaintiff has failed to state a cause of action on which relief can be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

4. Defendant has not participated in any of the wrongful acts alleged by the Plaintiff herein. Accordingly, the Court in its Order of March 7, 2007 found the seizure of goods at Defendant's premises to have been wrongful, as the goods seized were not counterfeit. Therefore Defendant does not have any liability to the Plaintiff.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

5. Plaintiff has no standing to maintain this action.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

6. Defendant has no liability to the Plaintiff as Defendant at all times acted in good faith, and all products sold in its store are authentic, and Plaintiff has failed to provide any evidence to Defendant, or prove to this Court, otherwise.

**COUNTERCLAIM**  
**(Wrongful Seizure under 15 U.S.C. §1116(d)(11))**

7. The allegations contained in all preceding paragraphs are realleged and incorporated by reference as if fully set forth hereat.

8. Plaintiff along with U.S. Marshals conducted a forcible search and seizure at the premises of Favor Food on the morning of January 28, 2007.

9. During the course of the seizure, the Favor Food's store was shut down for two hours. Customers were not allowed to finish their purchases and were forcibly removed from the premises, along with Favor Food employees. Customers were scared and greatly inconvenienced by the wrongful seizures causing great harm to the reputation and goodwill of Favor Food. The seizures took place on a Sunday morning, one of the busiest time of the week for Favor Food.

10. The seizure of goods conducted by Plaintiff at the premises of Favor Food was wrongful, and after a confirmation hearing, the seizure was denied by this Court.

11. The wrongful seizure of goods by Prince of Peace at the premises of Favor Food was sought for in bad faith.

12. After the seizure, the Plaintiff placed a notice or advertisement in World Journal, on February 11, 2007, publicizing the seizure conducted on January 28, 2007 and publicizing Defendant's business establishment. Plaintiff used the knowledge of the seizure and the great reach of the World Journal in the Chinese community to publicize itself to the detriment of all Defendants. Such publication violates 15 U.S.C. §1116(d)(6).

13. Favor Food is entitled to recover such relief as may be appropriate, including damages for lost profits, cost of materials, loss of goodwill pursuant to 15 U.S.C. §1116(d)(11), and legal fees.

14. As a result of Plaintiff's bad faith in procuring the wrongful seizure, Defendant is also entitled to punitive damages and reasonable attorney fees pursuant to 15 U.S.C. §1116(d)(11).

WHEREFORE, Defendants Favor Food respectfully request that Plaintiff's Amended Complaint be dismissed in its entirety and that judgment be entered in favor of the answering Defendant for damages, including but not limited to, lost profits, loss of goodwill, punitive damages, legal fees and costs in an amount to be determined at trial, and such further and other relief that this Court may deem just and proper.

Dated: Queens, New York  
April 20, 2007

Respectfully submitted,

s/ Xian Feng Zou  
By: Xian Feng Zou (XZ5458)  
Attorney for Favor Food  
39-15 Main Street, Suite 303  
Flushing, NY 11354  
(718) 661-9562

**AFFIDAVIT OF SERVICE BY MAIL**

STATE OF NEW YORK     )  
                                      )     SS.:  
COUNTY OF QUEENS     )

Tony Tsai, being duly sworn, deposes and states:

1.     Deponent is not a party to this action, is over eighteen (18) years of age and resides in Queens, New York.

2.     On **4/20/07**, deponent served the within **Answer to Amended Complaint with Counterclaim** to:

Yuen & Yuen  
132 Nassau St.  
Suite 1300  
New York, NY 10038

David J. Hoffman, Esq.  
29 Broadway, 27<sup>th</sup> Floor  
New York, NY 10006

By depositing true copies of same enclosed in a post-paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

VIA REGULAR MAIL within the County of Queens.

s/ Tony Tsai  
Tony Tsai

Sworn to before me this  
20th Day of April 2007

s/ Xian Feng Zou  
Notary Public